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**DECLARATION - USA PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled SYSTEM AND METHODS FOR MONITORING APPLICATION SERVER PERFORMANCE; the specification of which was filed on **January 20, 2003** as Application Serial No. **10/348,203**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application listed below.

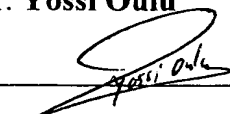
Application No.: 60/415,697; Filing Date: October 2, 2002

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

-----  
Full name of first inventor: **Yossi Oulu**

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

  
\_\_\_\_\_

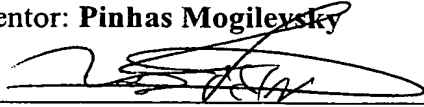
Residence: 5/28 Hahoresht Street, Yehud, Israel

Citizenship: **Israel**

Post Office Address: **Same As Above**

Full name of second inventor: **Pinhas Mogilevsky**

Inventor's signature



Date

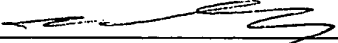
March 5, 2003

Residence: **22A Hadugit Street, Rishon-Le-Zion, Israel**

Citizenship: **Israel**

Post Office Address: **Same As Above**

Full name of third inventor: **Ido Sarig**

Inventor's signature 

Date 3/17/03

Residence: **501 Forest Avenue, Palo Alto, California 94301**

Citizenship: **Israel**

Post Office Address: **Same As Above**

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Send Correspondence To:  
KNOBBE, MARTENS, OLSON & BEAR, LLP  
Customer No. 20,995

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020703

MERCURY, 199A

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants	:	Oulu, et. al.,	)
			)
App. No.	:	10/348,203	)
			)
Filed	:	January 20, 2003	)
			)
For	:	SYSTEM AND METHODS FOR	)
		MONITORING APPLICATION	)
		SERVER PERFORMANCE	)
			)
Examiner	:	UNKNOWN	)
			)

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**ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION**  
**AND**  
**REVOCATION AND POWER OF ATTORNEY**

United States Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, Customer

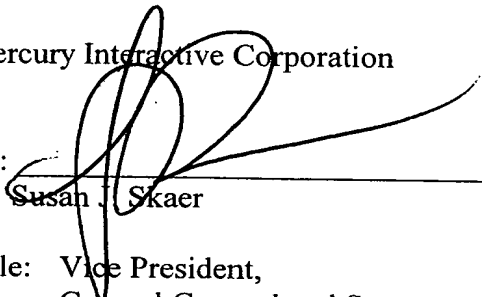
App. No. : 10/348,203  
Filed : January 20, 2003

No. 20,995, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

Dated: March 20, 2003

Mercury Interactive Corporation

By:   
Susan J. Skaer

Title: Vice President,  
General Counsel and Secretary

Address: 1325 Borregas Avenue  
Sunnyvale, CA 94089

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COPY

Application No.: 10/348,203  
Filing Date: January 20, 2003

PATENT  
Client Code: MERCURY.199A  
Page 1

### ASSIGNMENT

WHEREAS, We, Yossi Oulu, a citizen of Israel, residing at 5/28 Hahoresch Street, Yehud, Israel, Pinhas Mogilevsky, a citizen of Israel, residing at 22A Hadugit Street, Rishon-Le-Zion, Israel and Ido Sarig, a citizen of Israel, residing at 501 Forest Avenue, Palo Alto, California 94301 have invented certain new and useful improvements in a SYSTEM AND METHODS FOR MONITORING APPLICATION SERVER PERFORMANCE for which we have filed an application for Letters Patent in the United States, on January 20, 2003 as Application No.: 10/348,203;

AND WHEREAS, Mercury Interactive Corporation (hereinafter "ASSIGNEE"), a Delaware Corporation, with its principal place of business at 1325 Borregas Avenue, Sunnyvale, California 94089, desires to acquire the entire right, title, and interest in and to the improvements and the Application:

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, we, the inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the improvements, and the application and all provisional applications relating thereto (including provisional Appl. No. 60/415,697, filed October 2, 2002), and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for improvements to the ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 5 day of March, 2003

COPY  
Yossi Oulu

AH+KAM KAVFMA

Witness Name (Please Print)

Ahishon Kaban March 5, 2003

Witness Signature and Date

COPY

Application No.: 10/348,203  
Filing Date: January 20, 2003

PATENT  
Client Code: MERCURY.199A  
Page 2

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 5<sup>th</sup> day of March, 2003

  
Pinhas Mogilevsky

AHI KAM KRAVITZ

Witness Name (Please Print)

Pinhas Kravitz March 5, 2003

Witness Signature and Date

Application No.: 10/348,203  
Filing Date: January 20, 2003

COPY

PATENT  
Client Code: MERCURY.199A  
Page 3

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 17 day of March, 2003

Ido Sarig

STATE OF California  
COUNTY OF Santa Clara ss.

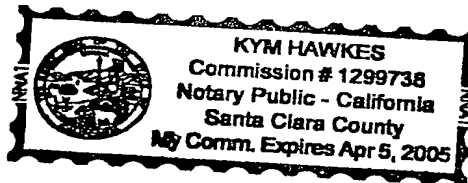
On 3/17/03, before me, Kym Hawkes, personally appeared Ido Sarig personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(~~ies~~), and that by his signature(~~s~~) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Kym Hawkes  
Notary Signature

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UNITED STATES  
PATENT AND  
TRADEMARK OFFICE

MERCURY, 199A EC  
ROS

AUGUST 20, 2003

PTAS

Under Secretary of Commerce For Intellectual Property and  
Director of the United States Patent and Trademark Office  
Washington, DC 20231  
www.uspto.gov

KNOBBE, MARTENS ET AL  
RONALD J. SCHOENBAUM  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614



\*102402468A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/28/2003

REEL/FRAME: 013886/0492  
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
OULU, YOSSEI

DOC DATE: 03/05/2003

ASSIGNOR:  
MOGILEVSKY, PINHAS

DOC DATE: 03/05/2003

ASSIGNOR:  
SARIG, IDO

DOC DATE: 03/17/2003

ASSIGNEE:  
MERCURY INTERACTIVE CORPORATION  
1325 BORREGAS AVENUE  
SUNNYVALE, CALIFORNIA 94089

SERIAL NUMBER: 10348203  
PATENT NUMBER:

FILING DATE: 01/20/2003  
ISSUE DATE:

013886/0492 PAGE 2

STEVEN POST, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

Client Code: MERCURY.199A

03-28-2003

RE

3-28-03



102402468

TO THE ASSISTANT COMMISSIONER FOR I

Documents or copy thereof.

1. Name of conveying parties: (If multiple assignors, list numerically)

1. Yossi Oulu
2. Pinhas Mogilevsky
3. Ido Sarig

Additional name(s) of conveying parties attached?

( ) Yes (X) No

2. Name and address of receiving party:

Name: Mercury Interactive Corporation  
Street Address: 1325 Borregas Avenue  
City: Sunnyvale State: CA ZIP: 94089

Additional name(s) of receiving party attached?

( ) Yes (X) No

3. Nature of conveyance:

- (X) Assignment  
( ) Merger  
( ) Security Agreement  
( ) Change of Name  
( ) Other:

Execution Date: (If multiple assignors, list execution dates in numerical order corresponding to numbers indicated in 1 above) 1. March 5, 2003 2. March 5, 2003

3. March 17, 2003

4. Application number or Patent number:

( ) Application(s) filed herewith Execution Date(s):

(X) Patent Application No.: 10/348,203  
Filing Date: January 20, 2003

( ) Patent No.:

Issue Date:

Additional numbers attached? ( ) Yes (X) No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Ronald J. Schoenbaum  
KNOBBE, MARTENS, OLSON & BEAR, LLP  
Customer No. 20,995

Internal Address: Fourteenth Floor

Street Address: 2040 Main Street

City: Irvine State: CA ZIP: 92614

Attorney's Docket No.: MERCURY.199A

7. Total fee (37 CFR 1.21(h)): \$40.00

(X) Enclosed

( ) Authorized to be charged to deposit account

8. Deposit account number: 11-1410

Please charge this account for any additional fees which may be required, or credit any overpayment to this account.

6. Total number of applications and patents involved: 1

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct, and any attached copy is a true copy of the original document.

Ronald J. Schoenbaum  
Name of Person Signing

Signature

Date

3-25-03

38,297

Registration No.

Total number of pages including cover sheet, attachments and document: 4

Mail documents to be recorded with required cover sheet information to:

03/28/2003 BTOM11 00000094 10348203

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U.S. Patent and Trademark Office  
Attn: Assignment Division  
Crystal Gateway-4  
1213 Jefferson Davis Highway, Suite 320  
Arlington, VA 22202

Application No.: 10/348,203  
Filing Date: January 20, 2003

PATENT  
Client Code: MERCURY.199A  
Page 1

### ASSIGNMENT

WHEREAS, We, Yossi Oulu, a citizen of Israel, residing at 5/28 Hahoresht Street, Yehud, Israel, Pinhas Mogilevsky, a citizen of Israel, residing at 22A Hadugit Street, Rishon-Le-Zion, Israel and Ido Sarig, a citizen of Israel, residing at 501 Forest Avenue, Palo Alto, California 94301 have invented certain new and useful improvements in a SYSTEM AND METHODS FOR MONITORING APPLICATION SERVER PERFORMANCE for which we have filed an application for Letters Patent in the United States, on January 20, 2003 as Application No.: 10/348,203;

AND WHEREAS, Mercury Interactive Corporation (hereinafter "ASSIGNEE"), a Delaware Corporation, with its principal place of business at 1325 Borregas Avenue, Sunnyvale, California 94089, desires to acquire the entire right, title, and interest in and to the improvements and the Application:

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, we, the inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the improvements, and the application and all provisional applications relating thereto (including provisional Appl. No. 60/415,697, filed October 2, 2002), and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for improvements to the ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 5<sup>th</sup> day of March, 2003

Yossi Oulu

AHIKAM KAVMAN  
Witness Name (Please Print)

Ahikam Kavman March 5, 2003  
Witness Signature and Date

Application No.: 10/348,203  
Filing Date: January 20, 2003

PATENT  
Client Code: MERCURY.199A  
Page 2

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 5<sup>th</sup> day of March, 2003

  
Pinhas Mogilevsky

ARIKAM KAVFMAN  
Witness Name (Please Print)

Arikam Kaufman March 5, 2003  
Witness Signature and Date

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 17 day of March, 2003

Ido Sarig

STATE OF California  
COUNTY OF Santa Clara ss.

On 3/17/03, before me, Kym Hawkes, personally appeared Ido Sarig personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person(s) whose name(s) is/~~are~~-subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(~~ies~~), and that by his signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Kym Hawkes  
Notary Signature

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